

Kerala Gazette No.8 dated 25th February 2014.

PART I

Section i



GOVERNMENT OF KERALA

Law (Leg-Publication) Department

NOTIFICATION

No. 14775/Leg.Pbn.4/2013/Law.

Dated, Thiruvananthapuram, 29th November 2013.

The following Act of Parliament published in the Gazette of India Extraordinary, Part II, Section I dated the 7th day of June, 2012 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 7th day of June, 2012.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD,
Law Secretary.

THE NATIONAL INSTITUTES OF TECHNOLOGY (AMENDMENT)
ACT 2012

(ACT No. 28 OF 2012)

AN

ACT

to amend the National Institutes of Technology Act, 2007.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the National Institutes of Technology (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title.—In the National Institutes of Technology Act, 2007 (29 of 2007) (hereinafter referred to as the principal Act), in the long title, for the words “certain institutions of technology”, the words “certain institutions of technology, science education and research” shall be substituted.

3. Amendment of Section 1.—In section 1 of the principal Act, in sub-section (1), for the words “National Institutes of Technology”, the words “National Institutes of Technology, Science Education and Research” shall be substituted.

4. Amendment of Section 2.—In section 2 of the principal Act, for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted.

5. Amendment of Section 3.—In section 3 of the principal Act,—

(i) in clause (c), for the words “the Schedule” at both the places where they occur, the words “the First Schedule and the Second Schedule” shall be substituted;

(ii) in clause (d), after the word and figures “section 30”, the words, brackets, figures and letter “or sub-section (1) of section 30A, as the case may be,” shall be inserted;

(iii) in clause (g), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted;

(iv) in clause (k), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted;

(v) in clause (m), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted.

6. Amendment of Section 4.—In section 4 of the principal Act, in subsection (1), for the words, “the Schedule” the words “the First Schedule and the Second Schedule” shall be substituted.

7. Amendment of Section 6.—In section 6 of the principal Act, in subsection (1), in clause (h), the words “and the Deputy Director” shall be omitted.

8. Amendment of Section 11.—In section 11 of the principal Act,—

(i) for the word “Institute” wherever it occurs, the words “Institute mentioned in the First Schedule” shall be substituted;

(ii) in clause (e), the word “and” occurring at the end shall be omitted;

(iii) after clause (f), the following clause shall be inserted, namely:—

“(g) the Director of the Indian Institute of Technology in whose zone the Institute is located, or his nominee, not below the rank of a Professor.”.

9. Insertion of new section 11A.—After section 11 of the principal Act, the following section shall be inserted, namely:—

“11A. *Board of Institutes of Second Schedule.*—The Board of every Institute mentioned in the Second Schedule shall consist of the following members, namely:—

(a) the Chairperson to be nominated by the Visitor;

(b) Secretary, Department of Higher Education, Government of India, or his nominee not below the rank of the Joint Secretary to the Government of India, *ex officio*;

(c) Director of the Institute, *ex officio*;

(d) Director of Indian Institute of Science, Bangalore, *ex officio*;

(e) Director of one of the Indian Institutes of Technology, to be nominated by the Central Government;

(f) two Secretaries to the Government of India, to be nominated by the Central Government representing its Scientific or Industrial Ministries;

(g) Chief Secretary of the State in which the Institute is located, or his nominee not below the rank of the Joint Secretary to the Government of India, *ex officio*;

(h) two professors of the Institute to be nominated by the Senate;

(i) two eminent scientists, to be nominated by the Council, having special knowledge or practical experience in respect of education, engineering or science, one of whom shall be a woman; and

(j) Financial Advisor, Ministry of Human Resource Development, *ex officio*".

10. Amendment of section 12.—In section 12 of the principal Act,—

(i) in clause (c), after the figures "11", the words, brackets, letters and figures "and clause (h) of section 11, A" shall be inserted;

(ii) in clause (d), after the word and figures "section 11", the words, figures and letter "or section 11 A, as the case may be," shall be inserted;

(iii) in clause (f), after the figures "11", the words, brackets, letters and figures "and clauses (c) and (h) of section 11A" shall be inserted.

11. Amendment of section 17.—In section 17 of the principal Act,—

(a) in sub-section (1), the words "and Deputy Director" shall be omitted ;

(b) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) The Deputy Director of every Institute shall be appointed in such manner and on such terms and conditions as may be laid down by the Statutes and shall exercise such powers and perform such duties as may be assigned to him by this Act or the Statutes or by the Director."

12. Amendment of section 24.—In section 24 of the principal Act, the words "and Deputy Director" shall be omitted.

13. Amendment of section 30.—In section 30 of the principal Act, in sub-section (1), for the word "Schedule", the words "First Schedule" shall be substituted.

14. Insertion of new section 30A.—After section 30 of the principal Act, the following section shall be inserted, namely:—

“30A. *Establishment of Council for the Institutes of Second Schedule.*— (1) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established for all the Institutes specified in column 3 of the Second Schedule, a central body to be called the Council.

(2) The Council under sub-section (1) shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Chairman;

(b) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Vice-Chairman;

(c) the Chairperson of every Board of the Institutes mentioned in the Second Schedule, *ex officio*;

(d) the Director of every Institute mentioned in the Second Schedule, *ex officio*.

(e) the Chairman, University Grants Commission, *ex officio*;

(f) the Director-General, Council of Scientific and Industrial Research, *ex officio*;

(g) four Secretaries to the Government of India to represent the Ministries or Departments of the Central Government dealing with bio-technology, atomic energy, information technology and space, *ex officio*;

(h) the Chairman, Defence Research and Development Organisation, *ex officio*;

(i) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in respect of education, industry, science or technology;

(j) three members of Parliament, of whom two shall be chosen by the House of the People and one by the Council of States:

Provided that the office of member of the Council shall not disqualify its holder for being chosen as or for being, a member of either House of Parliament;

(*k*) two Secretaries to the State Government, from amongst the Ministries or Departments of that Government dealing with technical education where the Institute is located, *ex officio*;

(*l*) Financial Adviser, dealing with the Human Resource Development Ministry or Departments of that Government dealing with technical education where the Institute is located, *ex officio*; and

(*m*) one officer not below the rank of the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the scientific or technical education, *ex officio*, Member-Secretary.”.

15. Amendment of section 31.—In section 31 of the principal Act, in sub-section (2), after the word and figures “section 30”, the words, brackets, letters and figures “and clause (*j*) of sub-section (2) of section 30A” shall be inserted.

16. Amendment of section 37.—In section 37 of the principal Act,—

(*i*) in clause (*a*), after the words “every Institute”, the words “mentioned in the First Schedule” shall be inserted;

(*ii*) after clause (*b*), the following clauses shall be inserted, namely:—

“(c) recruitment process and disciplinary proceedings, which had commenced before the commencement of the National Institutes of Technology (Amendment) Act, 2012, shall be completed, *mutatis mutandis*, in accordance with the relevant provisions in force immediately before such commencement.

Explanation.— Recruitment process for a post may be taken to have commenced from the date of publication of the advertisement inviting application for the post, and disciplinary proceedings against an employee of the Institute may be taken to have commenced on the date of issue of charge sheet for major penalty or show cause notice for minor penalty to such employee;

(*d*) all matters, which are meant to be provided through Statutes and Ordinances under sections 25 and 27, respectively, shall, till such Statutes and Ordinances are made, be governed, *mutatis mutandis*, by the corresponding provisions in force immediately before the commencement of this Act.”.

17. Transitional provisions in respect of institutes of second Schedule.— Notwithstanding anything contained in this Act—

(a) the Board of every Institute specified in the Second Schedule functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for that institute under this Act, but on the constitution of a new Board under this Act, members of the Board holding office before such constitution shall cease to hold office;

(b) every Senate constituted in relation to every Institute before the commencement of this Act shall be deemed to be the Senate constituted under this Act unless a Senate is constituted under this Act for that Institute but on the constitution of new Senate under this Act, members of the Senate holding office before such constitution shall cease to hold office.

18. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of the National Institutes of Technology (Amendment) Act, 2012, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

19. Amendment of Schedule.—(1) The Schedule to the principal Act shall be numbered as the First Schedule and in the first Schedule as so numbered, after Sl. No. 20 and the entries relating thereto, the following shall be inserted, namely:—

“21. National Institute of Technology, Goa, Society	National Institute of Technology, Goa.
22. National Institute of Technology, Puducherry Society	National Institute of Technology, Puducherry
23. National Institute of Technology, Delhi Society	National Institute of Technology, Delhi
24. National Institute of Technology, Sumari (Srinagar), Uttarakhand Society	National Institute of Technology, Uttarakhand
25. National Institute of Technology, Sohra (Meghalaya) Society	National Institute of Technology, Meghalaya

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| 26. | National Institute of Technology,
Mizoram Society | National Institute of Technology,
Mizoram |
| 27. | National Institute of Technology,
Manipur Society | National Institute of Technology,
Manipur |
| 28. | National Institute of Technology,
Nagaland Society | National Institute of Technology,
Nagaland |
| 29. | National Institute of Technology,
Arunachal Pradesh Society | National Institute of Technology,
Arunachal Pradesh |
| 30. | National Institute of Technology,
Sikkim | National Institute of Technology,
Sikkim.”. |
- (2) After the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

“THE SECOND SCHEDULE

[See sections 3(g), (m), 4 (I) and 11 A]

LIST OF INDIAN INSTITUTES OF SCIENCE EDUCATION RESEARCH

Sl. No.	Society	Corresponding Institute
1	2	3
1.	Indian Institute of Science Education and Research, Kolkata Society	Indian Institute of Science Education and Research, Kolkata.
2.	Indian Institute of Science Education and Research, Pune Society	Indian Institute of Science Education and Research, Pune
3.	Indian Institute of Science Education and Research, Mohali Society	Indian Institute of Science Education and Research, Mohali.
4.	Indian Institute of Science Education and Research, Bhopal Society	Indian Institute of Science Education and Research, Bhopal
5.	Indian Institute of Science Education and Research, Thiruvananthapuram Society	Indian Institute of Science Education and Research, Thiruvananthapuram.”.